

U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:18-cv-00841-RJD

White v. Executive Office of US Attorneys et al
Assigned to: Magistrate Judge Reona J. Daly
Case in other court: USCA7, 20-01798
Cause: 05:552 Freedom of Information Act

Date Filed: 04/09/2018
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff**William A. White**

represented by **William A. White**
13888-084
MARION
U.S. PENITENTIARY
P.O. BOX 1000
MARION, IL 62959
PRO SE

V.

Defendant**Executive Office of US Attorneys**

represented by **Suzanne M. Garrison**
Assistant U.S. Attorney – Fairview
Heights
Generally Admitted
9 Executive Drive
Suite 300
Fairview Heights, IL 62208
618-628-3700
Email: Suzanne.Garrison@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Federal Bureau of Investigation**

represented by **Suzanne M. Garrison**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Department of Justice**

represented by **Suzanne M. Garrison**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/09/2018	<u>1</u>	COMPLAINT against All Defendants, filed by William A. White.(kdb) (Entered: 04/09/2018)
04/09/2018	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by William A. White. (kdb) (Entered: 04/09/2018)
04/09/2018	<u>3</u>	Notice of Judge Assignment. Chief Judge Michael J. Reagan and Magistrate Judge Reona J. Daly assigned. All future documents must bear case number 18-841-MJR-RJD. If the parties consent to Magistrate Judge assignment, the consent form with instruction is attached for your convenience. Refer to the pro se litigant guide, found on the ILSD website, for further information. (kdb) (Entered: 04/09/2018)

04/16/2018	<u>4</u>	ORDER DENYING Plaintiff's motion to proceed in forma pauperis (Doc. <u>2</u>). A federal court may permit an indigent party to proceed without pre-payment of fees. 28 U.S.C. § 1915(a)(1). The Court is not satisfied from White's affidavit that he is indigent. According to Plaintiff's motion, his national 6 month deposits totaled \$3,310.00 as of April 3, 2018 (Doc. <u>2</u> , p. 13). In addition, Plaintiff's national 6 month average daily balance was \$486.81. id. Accordingly, the Court DENIES the motion for leave to proceed in forma pauperis (Doc. <u>2</u>). Plaintiff shall pay the \$400.00 filing fee no later than May 16, 2018. Failure to comply with this Order will result in dismissal of this action for failure to comply with a court order under Federal Rule of Civil Procedure 41(b). Fed. R. Civ. P. 41(b). See generally Ladien v. Astrachan, 128 F.3d 1051 (7th Cir. 1997); Johnson v. Kamminga, 34 F.3d 466 (7th Cir. 1994). Signed by Chief Judge Michael J. Reagan on 4/13/2018. (tjk)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/16/2018)
04/19/2018	<u>5</u>	MOTION to Recuse Judge Michael Reagan Pursuant to 28 USC 144 and 28 USC 455 by William A. White. (tkm) (Entered: 04/19/2018)
04/20/2018	<u>6</u>	ORDER denying <u>5</u> Motion for Recusal. Signed by Chief Judge Michael J. Reagan on 4/20/2018. (rah) (Entered: 04/20/2018)
04/24/2018	<u>7</u>	MOTION to have the US Marshals Service Serve Process by William A. White. (kdb) (Entered: 04/24/2018)
04/26/2018		Filing fee: \$ 400.00, receipt number 34625083605. (jsm2) (Entered: 04/26/2018)
06/07/2018	<u>8</u>	MOTION to Amend/Correct <u>1</u> Complaint by William A. White. (kdb) (Entered: 06/07/2018)
06/12/2018	<u>9</u>	ORDER GRANTING <u>8</u> MOTION to Amend/Correct <u>1</u> Complaint filed by William A. White. The Complaint has not yet been served therefore amendment as a matter of course is appropriate at this time. Fed. R. Civ. P. 15(a)(1). The Clerk of Court is DIRECTED to file Plaintiff's Proposed Amended Complaint as the First Amended Complaint. Signed by Magistrate Judge Reona J. Daly on 6/12/2018. (ely)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 06/12/2018)
06/12/2018	<u>10</u>	FIRST AMENDED COMPLAINT against All Defendants, filed by William A. White.(lmb) (Entered: 06/13/2018)
11/13/2018	<u>11</u>	ORDER: The Court exercises its discretion to DENY the request for service of process at government expense (Doc. <u>7</u>). Plaintiff shall be required to effectuate service of process by Tuesday, January 1, 2019 . Plaintiff must also submit proof of the same to the Court by that date. Failure to comply with this Order will result in dismissal of the action for failure to comply with court order. See Fed. R. Civ. P. Rule 41(b). Signed by Chief Judge Michael J. Reagan on 11/13/2018. (rah) (Entered: 11/13/2018)
12/03/2018	<u>12</u>	Summons Requested. (kdb) (Entered: 12/03/2018)
12/03/2018	<u>13</u>	Summons Issued as to Executive Office of US Attorneys, Federal Bureau of Investigation and originals and 2 copies mailed to William White. (kdb) (Entered: 12/03/2018)
12/14/2018	<u>14</u>	SUMMONS Returned Executed by William A. White. Executive Office of US Attorneys served on 12/10/2018, answer due 2/8/2019; Federal Bureau of Investigation served on 12/10/2018, answer due 2/8/2019. (kdb) (Entered: 12/14/2018)
01/22/2019	<u>15</u>	MOTION for Entry of Default and Default Judgement by William A. White. (jaj) (Entered: 01/22/2019)
01/23/2019	<u>16</u>	ORDER: Plaintiff's Motion for Entry of Default (Doc. <u>15</u>) is hereby DENIED . The Court generated response deadlines of February 8, 2019, when it received confirmation that defendants had been served. Those deadlines are appropriate and are set more than 30 days beyond the date of service for good cause in light of the current government shutdown. To the extent necessary, the deadlines will be extended further via a later motion to continue. The statute, 5 U.S.C. Section 552 allows for extensions for good cause shown, accordingly these extensions are appropriate. Signed by Chief Judge Michael J. Reagan on 1/23/2019. (rah)THIS TEXT ENTRY IS AN ORDER OF THE

		COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/23/2019)
01/25/2019	<u>17</u>	NOTICE of Appearance by Suzanne M. Garrison on behalf of Department of Justice (Garrison, Suzanne) (Entered: 01/25/2019)
01/25/2019	<u>18</u>	MOTION for Extension of Time to File Answer re <u>10</u> Amended Complaint by Department of Justice. (Garrison, Suzanne) (Entered: 01/25/2019)
01/28/2019	19	NOTICE OF ACTION re <u>17</u> Notice of Appearance filed by Department of Justice. Filer did not include a certificate of service as the last page of this document since pro se parties are involved. Filer should notify the court that they in fact sent to pro se plaintiff a copy of Doc. 17. Please consult the ECF User Manual and Local Rules for further instruction. (trb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/28/2019)
01/28/2019	20	ORDER GRANTING <u>18</u> MOTION for Extension of Time to File Answer re <u>10</u> Amended Complaint filed by Department of Justice. For good cause shown, Defendants are GRANTED an extension of time, up to and including 3/8/2019, to file an answer or otherwise respond. Signed by Magistrate Judge Reona J. Daly on 1/28/2019. (ely)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/28/2019)
01/29/2019	<u>21</u>	CJRA TRACK B assigned: Final Pretrial Conference set for 5/1/2020 at 10:00 AM in East St. Louis Courthouse before Chief Judge Michael J. Reagan. Bench Trial set for 5/11/2020 at 9:00 AM in East St. Louis Courthouse before Chief Judge Michael J. Reagan. (Attachments: # <u>1</u> Consent to Magistrate Judge)(rah) (Entered: 01/29/2019)
02/04/2019	<u>22</u>	RESPONSE to <u>18</u> Motion for Extension of Time to File Answer filed by William A. White. (jaj) (Entered: 02/04/2019)
03/06/2019	23	Case Reassigned to Judge Staci M. Yandle. Chief Judge Michael J. Reagan no longer assigned to the case. (cds) (Entered: 03/06/2019)
03/08/2019	<u>24</u>	ANSWER to <u>10</u> Amended Complaint by Department of Justice, Executive Office of US Attorneys, Federal Bureau of Investigation.(Garrison, Suzanne) (Entered: 03/08/2019)
03/18/2019	<u>25</u>	NOTICE of Updated Litigation History by William A. White. (kdb) (Entered: 03/18/2019)
04/04/2019	26	ORDER: Due to the recent reassignment of this case to Judge Staci M. Yandle, the Final Pretrial Conference is reset for 4/29/2020 at 9:30 AM in Benton Courthouse before Judge Staci M. Yandle and Bench Trial is reset for 5/11/2020 at 9:00 AM in Benton Courthouse before Judge Staci M. Yandle. Signed by Judge Staci M. Yandle on 4/4/2019. (slh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/04/2019)
05/28/2019	<u>27</u>	MOTION for Partial Summary Judgment by Department of Justice. Responses due by 7/1/2019 (Attachments: # <u>1</u> Exhibit Att 1 Wilkinson Delcaration, # <u>2</u> Exhibit Att. 1 Exhibit A, # <u>3</u> Exhibit Att. 1 Exhibit B, # <u>4</u> Exhibit Att. 1 Exhibit C, # <u>5</u> Exhibit Att. 1 Exhibit D, # <u>6</u> Exhibit Att. 1 Exhibit E, # <u>7</u> Exhibit Att. 1 Exhibit F, # <u>8</u> Exhibit Att. 1 Exhibit G, # <u>9</u> Exhibit Att. 1 Exhibit H, # <u>10</u> Exhibit Att. 1 Exhibit I, # <u>11</u> Exhibit Att. 1 Exhibit J, # <u>12</u> Exhibit Att. 1 Exhibit K, # <u>13</u> Exhibit Att. 1 Exhibit L, # <u>14</u> Exhibit Att 2 Bradley Declaration)(Garrison, Suzanne) (Entered: 05/28/2019)
05/28/2019	<u>28</u>	NOTICE by Department of Justice <i>Notice to Pro Se Plaintiff of Consequences of Failing to Respond to Defendant's Motion for Partial Summary Judgment</i> (Garrison, Suzanne) (Entered: 05/28/2019)
05/28/2019	<u>29</u>	EXHIBIT by Department of Justice. Exhibit to <u>27</u> Motion for Partial Summary Judgment,, <i>Redacted Exhibit 7</i> . (Garrison, Suzanne) (Entered: 05/28/2019)
05/28/2019	30	NOTICE OF MODIFICATION re <u>27</u> Motion for Partial Summary Judgment,, filed by Department of Justice. Exhibit 7 removed at the filers request. Exhibit 7 will be refiled. (trb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/28/2019)

06/07/2019	<u>31</u>	RESPONSE to Motion re <u>27</u> MOTION for Partial Summary Judgment filed by William A. White. (jaj) (Entered: 06/07/2019)
06/07/2019	<u>32</u>	MOTION for Partial Summary Judgment by William A. White. Responses due by 7/11/2019 (jaj) (Entered: 06/07/2019)
07/08/2019	<u>33</u>	RESPONSE to Motion re <u>32</u> MOTION for Partial Summary Judgment filed by Executive Office of US Attorneys. (Garrison, Suzanne) (Entered: 07/08/2019)
07/18/2019	<u>34</u>	MOTION for Leave to File an Extended Reply Brief by William A. White. (kdb) (Entered: 07/18/2019)
07/18/2019	<u>35</u>	SECOND SWORN DECLARATION by William A. White. (Attachments: # <u>1</u> Part 2 of the Declaration(kdb) (Entered: 07/18/2019)
08/08/2019	<u>36</u>	MOTION for Extension of Time an Extended Motion for Summary Judgment by William A. White. (kdw) (Entered: 08/08/2019)
08/08/2019	<u>37</u>	MOTION for Partial Summary Judgment by William A. White. Responses due by 9/12/2019 (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(kdw) (Entered: 08/08/2019)
08/20/2019	<u>38</u>	RESPONSE to Motion re <u>37</u> MOTION for Partial Summary Judgment filed by Federal Bureau of Investigation. (Garrison, Suzanne) (Entered: 08/20/2019)
08/29/2019	<u>39</u>	REPLY to Response to Motion re <u>37</u> MOTION for Partial Summary Judgment filed by William A. White. (kdw) (Entered: 08/29/2019)
10/15/2019	<u>40</u>	STATUS REPORT <i>and Request for Briefing Schedule</i> by Department of Justice. (Garrison, Suzanne) (Entered: 10/15/2019)
10/17/2019	<u>41</u>	ORDER: Dispositive Motions due by 1/10/2019. Signed by Magistrate Judge Reona J. Daly on 10/17/2019. (ely)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/17/2019)
10/18/2019	<u>42</u>	ORDER: Dispositive Motions due by 1/10/2020. Docket entry 41 incorrectly stated the due date year. Signed by Magistrate Judge Reona J. Daly on 10/18/2019. (ely)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/18/2019)
11/20/2019	<u>43</u>	ORDER: Pursuant to Administrative Order 257, this case has been selected for reassignment to a Magistrate Judge. Within 21 days of this Order, any party not previously having filed a Notice and Consent to Proceed before a Magistrate Judge Jurisdiction form in this case must file the attached form indicating that party's consent to proceed before a Magistrate Judge or an affirmative declination to consent. Consent due by 12/11/2019.. Signed by Judge Staci M. Yandle on 11/20/2019. (Attachments: # <u>1</u> Administrative Order)(mar) (Entered: 11/20/2019)
12/02/2019	<u>44</u>	MOTION Motion to File an Oversized Brief by Department of Justice. (Garrison, Suzanne) (Entered: 12/02/2019)
12/06/2019	<u>45</u>	CONSENT/NON-CONSENT TO U.S. MAGISTRATE JUDGE – sealed pending receipt from all parties. (jaj) unsealed on 12/12/2019 (trb). (Entered: 12/09/2019)
12/11/2019	<u>46</u>	CONSENT/NON-CONSENT TO U.S. MAGISTRATE JUDGE – sealed pending receipt from all parties. (Garrison, Suzanne) unsealed on 12/12/2019 (trb). (Entered: 12/11/2019)
12/12/2019	<u>47</u>	FINAL CONSENT/NON-CONSENT TO U.S. MAGISTRATE JUDGE – sealed pending receipt from all parties. (Garrison, Suzanne) unsealed on 12/12/2019 (trb). (Entered: 12/12/2019)
12/12/2019	<u>48</u>	ORDER: All parties have consented to have a United States Magistrate Judge conduct all proceedings in this case. Accordingly, this case is REFERRED to United States Magistrate Judge Reona J. Daly. The Magistrate Judge shall conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. 636(c) and Federal Rule of Civil Procedure 73. Judge Staci M. Yandle no longer assigned to the case. All future documents must bear case number 18-841-RJD. Signed by Judge Staci M. Yandle on 12/12/2019. (trb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered:

		12/12/2019)
12/20/2019	<u>49</u>	ORDER: GRANTING <u>34</u> MOTION for Leave to File filed by William A. White. Plaintiff is GRANTED leave to file a 10 page Reply brief. GRANTING <u>36</u> MOTION for Extended Motion filed by William A. White. Plaintiff is GRANTED leave to file a 29 page Motion for Summary Judgment. GRANTING <u>44</u> MOTION Motion to File an Oversized Brief filed by Department of Justice. Defendant Department of Justice is GRANTED leave to file a combined motion for summary judgment and memorandum of up to 45 pages in length. Signed by Magistrate Judge Reona J. Daly on 12/20/2019. (ely) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/20/2019)
12/23/2019	<u>50</u>	NOTICE OF CANCELLATION of Hearings: The Final Pretrial Conference set for 4/29/2020 and Bench Trial set for 5/11/2020 before Judge Staci M. Yandle are VACATED. (slh) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/23/2019)
01/10/2020	<u>51</u>	MOTION for Partial Summary Judgment <i>as to FBI FOIA requests</i> by Department of Justice. Responses due by 2/13/2020 (Attachments: # <u>1</u> Affidavit Declaration, # <u>2</u> Exhibit Exhibit A-1 to A-6, # <u>3</u> Exhibit Exhibt B Chart)(Garrison, Suzanne) (Entered: 01/10/2020)
01/10/2020	<u>52</u>	NOTICE by Department of Justice <i>to Pro Se Plaintiff of Consequences of Failing to Respond to Defendant's Motion for Partial Summary Judgment</i> (Garrison, Suzanne) (Entered: 01/10/2020)
01/21/2020	<u>53</u>	ORDER GRANTING IN PART, DENYING IN PART <u>27</u> MOTION for Partial Summary Judgment filed by Department of Justice; DENYING <u>32</u> MOTION for Partial Summary Judgment filed by William A. White. Signed by Magistrate Judge Reona J. Daly on 1/21/2020. (ely) (Entered: 01/21/2020)
01/27/2020	<u>54</u>	MOTION for Leave to File Extended Response by William A. White. Proposed Amended Response received this date and under review. (jaj) (Entered: 01/27/2020)
01/27/2020	<u>55</u>	ORDER GRANTING <u>54</u> MOTION for Leave to File filed by William A. White. Plaintiff is GRANTED leave to file a 26-page Response. The Clerk of Court is DIRECTED to file Plaintiff's proposed document as a Response to Document <u>51</u> . Signed by Magistrate Judge Reona J. Daly on 1/27/2020. (ely) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/27/2020)
01/27/2020	<u>56</u>	RESPONSE to <u>51</u> Motion for Partial Summary Judgment, filed by William A. White. (Attachments: # <u>1</u> part 2)(trb) (Entered: 01/28/2020)
02/05/2020	<u>57</u>	MOTION for Litigation Cost by William A. White. (kdw) (Entered: 02/05/2020)
02/14/2020	<u>58</u>	RESPONSE to Motion re <u>57</u> MOTION For Costs filed by Department of Justice. (Garrison, Suzanne) (Entered: 02/14/2020)
02/19/2020	<u>59</u>	STATUS REPORT <i>regarding EOUSA FOIA responses</i> by Department of Justice. (Garrison, Suzanne) (Entered: 02/19/2020)
03/04/2020	<u>60</u>	RESPONSE to <u>59</u> Status Report filed by William A. White. (kdw) (Entered: 03/05/2020)
03/17/2020	<u>61</u>	ORDER DENYING <u>37</u> MOTION for Partial Summary Judgment filed by William A. White; GRANTING <u>51</u> MOTION for Partial Summary Judgment <i>as to FBI FOIA requests</i> filed by Department of Justice. Judgment shall be entered in favor of Defendants and against Plaintiff on counts 6–9, 11, 13–16, 18–27, 29, and 31 at the close of the case; and the parties are ORDERED to respond to the Courts proposed entry of judgment pursuant to Rule 56(f) on counts 3–5, 10, 12, 17, 28, 30, 32–33 by 4/16/2020. Signed by Magistrate Judge Reona J. Daly on 3/17/2020. (ely) (Entered: 03/17/2020)
03/19/2020	<u>62</u>	ORDER DENYING <u>57</u> MOTION for Litigation Costs filed by William A. White. Signed by Magistrate Judge Reona J. Daly on 3/19/2020. (ely) (Entered: 03/19/2020)

03/31/2020	<u>63</u>	MOTION to Vacate <u>62</u> Order by William A. White. (jaj) (Entered: 03/31/2020)
04/07/2020	<u>64</u>	MOTION for Reconsideration and Objection to <u>61</u> Order by William A. White. (jaj) (Entered: 04/07/2020)
04/16/2020	<u>65</u>	RESPONSE to <u>61</u> Order,,, Terminate Motions,,, Set Deadlines,, filed by Department of Justice. (Garrison, Suzanne) (Entered: 04/16/2020)
04/23/2020	<u>66</u>	ORDER DENYING <u>63</u> MOTION to Vacate <u>62</u> Order filed by William A. White. Signed by Magistrate Judge Reona J. Daly on 4/23/2020. (ely) (Entered: 04/23/2020)
04/23/2020	<u>67</u>	ORDER DENYING <u>64</u> MOTION for Reconsideration re <u>61</u> Order filed by William A. White. Judgment shall be entered in favor of Defendants and against Plaintiff on counts 3–5, 10, 12, 17, 28, 30, 32–33 at the close of the case. Signed by Magistrate Judge Reona J. Daly on 4/23/2020. (ely) (Entered: 04/23/2020)
05/12/2020	<u>68</u>	AMENDED NOTICE OF APPEAL as to <u>67</u> Order, <u>61</u> Order, by William A. White. (jaj) (Entered: 05/12/2020)
05/12/2020	<u>69</u>	Transmission of Short Record to US Court of Appeals re <u>68</u> Notice of Appeal. (kdw) (Entered: 05/12/2020)
05/12/2020	<u>70</u>	Rule 10 Letter. (kdw) (Entered: 05/12/2020)
05/13/2020	<u>71</u>	USCA Case Number 20–1798 for <u>68</u> Notice of Appeal filed by William A. White. (Attachments: # <u>1</u> Notice of Case Opening, # <u>2</u> PLRA Fee and Notice)(kdw) (Entered: 05/13/2020)
06/01/2020	<u>72</u>	TRANSCRIPT INFORMATION SHEET by Pro Se Party. (kdw) (Entered: 06/01/2020)
06/02/2020	73	USCA Appeal Fees received \$ 505 receipt number 34625101833 re <u>68</u> Notice of Appeal filed by William A. White (cds) (Entered: 06/15/2020)
07/06/2020	<u>74</u>	NOTICE by Executive Office of US Attorneys <i>regarding first installment of EOUSA material</i> (Garrison, Suzanne) (Entered: 07/06/2020)